THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 28375 of 1997

DATE: 09-02-2007

Between :

B.Shankaramma

… Petitioner

And

The Chief Executive Officer,
Zilla Parishad, Meda District,
Sangareddy and another.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 28375 of 1997

ORDER:

The petitioner claims to be the absolute owner and possessor of Ac.0.19 guntas of land situated in Sy.No.662/2 of Toopran village. It is stated that pursuant to the order of this Court in W.P.No.3749 of 1992, the Assistant Director of Survey and Land Records had demarcated the land in Sy.No.662 out of which an extent of Ac.1.10 guntas was occupied by the Zilla Parishad School, Toopran. It is claimed that her possession in respect of Ac.0-19 guntas was also confirmed by the District Development Officer, Medak. Since one Ramakrishnaiah, Head Master of the school attempted to interfere with the possession of the petitioner in respect of the said Ac.0.19 guntas, the petitioner was constrained to file O.S.No.31 of 1993 on the file of the Sub-Court, Siddipet. Pending the suit, interim injunction was granted on 16-04-1993 in I.A.No.118 of 1993, which was subsequently made absolute by order dated 02-08-1996. It is alleged that in spite of the interim injunction granted by the Civil Court, a wall was sought to be constructed in her land presumably at the instigation of Ramakrishnaiah, the Head Master and one R.Veerakumar though they were parties to the suit i.e.O.S.No.31 of 1993. It is pleaded that the school building is situated in an extent of Ac.1.11 guntas of land in Sy.No.662/1 which is adjacent to the petitioner's site situated in Sy.No.662/2 and therefore, the petitioner made a representation to the District Educational Officer, Sangareddy, Medak dated 28-01-1997 to take appropriate action against the culprits who started the unauthorized construction in her land. Alleging that the said

representation was not considered, the petitioner filed the present writ petition with a prayer as under:

> *" to issue a writ or direction preferably writ of Mandamus declaring the inaction of the respondents in not considering and disposing of the representation of the petitioner dated 28-01-1997 with regard to removal of un-authorised construction of compound wall in the land of the petitioner in Sy.No.662/2 of Toopran village, Medak District as illegal, arbitrary and violative of principles of natural justice ad consequently direct the respondents to consider and dispose of the representation of the petitioner dated 28-01-1997 and pass such other orders.."*

I have heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents and perused the material on record.

At the outset, it is to be noted that the dispute raised by the petitioner does not involve enforcement of any legal right or statutory obligation. The grievance of the petitioner is only against private persons in respect of which civil suit is already filed. Hence, it is not open to the petitioner to seek a Writ of Mandamus.

Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to work out the appropriate remedy as available under law for redressal of her grievance, if any. No costs.

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G. ROHINI,J.

Dt. 09-02-2007
KLP